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| 10/520,960 | 02/03/2006 | Christian Koeniger | 101.0005US/PCT | 4786 |

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| EXAMINER |
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JAGAN, MIRELLYS

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| ART UNIT | PAPER NUMBER |
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2855

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| NOTIFICATION DATE | DELIVERY MODE |
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09/04/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/520,960

Applicant(s)

KOENIGER ET AL.

Examiner

MIRELLYS JAGAN

Art Unit

2855

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8-10, 17-21, 28, 30, 31, 36 and 56-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-10, 17, 28, 30, 31, 36 and 56-59 is/are rejected.
- 7) ☒ Claim(s) 18-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I in the reply filed on 4/30/08 is acknowledged. The amendment filed on 4/30/08 cancelled all claims drawn to the non-elected invention. The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 8-10, 17, 28, 30, 31, 36, and 56-59 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,640,900 to Smith.

Referring to claims 1-5, 8-10, 17, 56, and 57, Smith discloses a system for measuring a parameter in a sub-sea well, comprising:

a riser extending from a platform adjacent the sea surface towards the sea bottom;

a string (8) extending within the riser from the platform towards the sea bottom (5);

a line (11) extending along at least part of a length of the string (8) and including a distributed sensor system (D) for sensing the parameter at various points along the length of the string; and

a conduit (11) located proximate the string (8);

wherein the string (8) extends at least partially within a pressure control equipment at the sea bottom, and the line (11) extends at least partially within the pressure control equipment; the line (11) comprises a fiber optic line (D); the parameter measured is temperature; the distributed sensor system comprises a plurality of sensors distributed along the length of the line; the line (11) is mechanically attached to the string (8); the fiber optic line (D) is located within the conduit (11); the string is landed on a landing shoulder located on a pressure control equipment, the line extends below the landing shoulder; the string extends in an interval within the riser from the platform toward the ocean bottom and the distributed sensor system is adapted to sense the parameter at various points along the interval; the conduit is a control umbilical deployed as part of the string; and the string is in communication with a well formation (10) (see figure 3; column 3, lines 1-8 and 34-40; column 4, lines 45-48 and 53-56; column 4, line 67-column 5, line 4; column 5, lines 34-37; column 5, line 55-column 65, line 1; column 6, lines 62-66; column 7, lines 30-36 and 53-59; and column 7, line 65- column 8, line 17).

Referring to claims 28, 30, 31, 36, 58, and 59, Smith discloses a method for measuring a parameter in a sub-sea well, comprising:

deploying a string within a riser, the landing string and riser extending from a platform on the sea surface towards the sea bottom;

deploying a line along at least part of a length of the string, the line including a distributed sensor system for sensing the parameter at various points along the length of the string; and

measuring the parameter at the various measurement points along the length of the string;

wherein the measuring step comprises measuring temperature at the various measurement points along the length of the string; the line comprises a fiber optic line; the measuring step comprises transmitting light through the fiber optic line and analyzing the returned back-scattered light to provide a complete temperature profile along the length of the fiber line; and the deploying the string step comprises landing out the string at a landing shoulder located on pressure control equipment, the deploying the line step comprises extending the line below the landing shoulder the act of deploying the line along at least part of a length of the landing string comprises deploying the line along an interval of the landing string extending above the ocean bottom such that the distributed sensor system is adapted to sense the parameter at various points above the ocean bottom; and the landing string is in communication with a well formation (see figure 3; column 3, lines 1-8 and 34-40; column 4, lines 45-48 and 53-56; column 4, line 67-column 5, line 4; column 5, lines 34-37; column 5, line 55-column 65, line 1; column 6, lines 62-66; column 7, lines 30-36 and 53-59; and column 7, line 65-column 8, line 11).

Allowable Subject Matter

4. Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 19-21 are allowable for being dependent on allowable base claim 18.

5. The examiner's statement of reasons for the indication of allowable subject matter for claims 18-21 is stated in the last Office action, dated 1/28/08.

Response to Arguments

6. Applicant's arguments regarding claims 1 and 28 have been fully considered but they are not persuasive. Applicant's arguments that Smith fails to teach or even suggest at least the combination of a riser, landing string, and a line that extends along the length of the landing string are not persuasive since Smith discloses these elements in, e.g., column 3, lines 4-17 and column 5, lines 29-31.

Conclusion

7. The following references made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent 6,769,805 to Williams et al
U.S. Patent 4,616,705 to Stegemeier et al
U.S. Patent 6,527,052 to Ringgenberger et al
U.S. Patent 5,592,282 to Hartog
U.S. Patent 6,758,271 to Smith
U.S. Patent 6,276,454 to Fontana et al
U.S. Patent Application Publication 2003/0056950 to Burgess et al
U.S. Patent Application Publication 2003/0103551 to Haddad
U.S. Patent Application Publication 2003/0075361 to Terry et al
U.S. Patent Application Publication 2005/0072565 to Segura et al
U.S. Patent Application Publication 2003/0034177 to Chitwood et al
U.S. Patent Application Publication 2003/0047317 to Powers

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MIRELLYS JAGAN whose telephone number is (571)272-2247. The examiner can normally be reached on Tues-Thurs 10AM-8PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Edward Lefkowitz/
Supervisory Patent Examiner, Art Unit 2855

MJ
August 20, 2008